REMARKS/ARGUMENTS

In response to the Examiner's Advisory Action of August 19, 2008 issued in relation to the present Patent Application, the Applicants submit Amendments to the claims, as well as the below Remarks.

Claims 1-4, 8, 11, 14, 17, 20, 27-29, 32-35, 41, and 47 are pending in the application. Claims 1, 27 and 47 are independent claims.

Regarding Examiner's reasons for maintaining 35 USC 103(a) Rejections

The Examiner states that the phrase: "the product identity data being indicative of an identity of the product item such that the product item is distinguished from each other product item" is interpreted to include that one product item in batch #1 has product identity data different from that of an item in batch #2. However, the language of the claims does not state that the product identity of one product item should be different from that of one other product item. The language specifies that the product identity of one product item should distinguish the product item from each other product item, thus even product items that are from the same batch. Thus, Applicant maintains its position that Labow fails to teach coded data portions distinguishing each product item from each other product item.

The Examiner further disagrees with Applicant's argument with regards to Labow failing to anticipate printing multiple coded data portions on the surface, with each coded data portions identifying the product item, since Labow teaches in paragraph [0017] that "the first, and second information are analysed to see if they are consistent". The Examiner quotes Labow which teaches that "the first bar code indicia may designate a product identifier such as a specific drug, while the second bar code indicia identifies a commodity number…". Labow is further quoted to state: "the information is analysed to determine if the commodity number is known to be associated with the particular drug…". The fact that one number is "associated" or "consistent" with another number, does not teach that both bar code indicia uniquely identifies the product item. The claims do not require for the data of the coded data portions to be associated, or for the coded data portions when considered in combination to identify the product item . The claims require for the product item to be uniquely identified from each coded data portion. Thus, without consideration of other portion, the unique identity of the product item should be available from each individual coded data portion. Applicant thus maintains its position that Labow fails to teach that the data of each coded data portion is indicative of the product identity data as defined in the independent claims.

Finally, by combining the teachings of Labow and Kurokawa a skilled addressee is provided with two codes, the first for providing product information, the other for identifying one of 64 segments. That combination thus fails to teach a coded data portion which is indicative of the product identity data and of the respective positions of the coded data portions on the interface surface. Labow modified with Kurokawa does not provide a coded data portion encoding both pieces of information, and there in nothing in the prior art which would suggest such would be trivial.

The comments above with regards to claim 1 equally applies to independent claims 27 and 47. It is therefore submitted that all the independent claims are patentable over Labow in view of Kurokawa.

Claims 2-4, 8, 11, 14, 17, 20, 28, 29, 32-35, 41, and 47 are dependent on one of claims 1 or 27, and are allowable for at least that reason.

With respect to the information disclosure statement (IDS) dated July 29, 2008, a replacement is submitted here within.
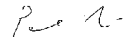
CONCLUSION

It is respectfully submitted that all of the Examiner's rejections have been traversed. Accordingly, it is submitted that the present application is in condition for allowance and reconsideration of the present application is respectfully requested.

Very respectfully,

Applicant/s: _Kia_

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Kia Silverbrook

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Paul Lapstun

C/o: Silverbrook Research Pty Ltd
              393 Darling Street
              Balmain NSW 2041, Australia

Email: kia.silverbrook@silverbrookresearch.com

Telephone: +612 9818 6633

Facsimile: +61 2 9555 7762